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7 Attorneys for Defendant
24 HOUR FITNESS USA, INC.
8

9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 ALBERT ALATORRE, an individual, and on
Behalf of all Others Similarly Situated,

13 Plaintiffs,

14 vs.

15 24 HOUR FITNESS USA, INC.,

16 Defendant.
17

CASE NO. 11-CV-04318-JCS

**STIPULATION TO EXTEND TIME TO
ANSWER, MOVE, OR OTHERWISE
RESPOND TO PLAINTIFF'S
COMPLAINT PURSUANT TO LOCAL
RULE 6-1**

18 **STIPULATION**
19

20 WHEREAS Plaintiff Albert Alatorre commenced this action in this Court on
21 August 30, 2011.

22 WHEREAS the parties have signed a Putative Class Action Settlement Agreement (the
23 "Settlement") in an effort to resolve the litigation on a consensual basis.

24 WHEREAS on September 6, 2011, Plaintiff filed its Notice of Motion and Motion for
25 Preliminary Approval of Class Action Settlement Agreement (the "Motion"), and such Motion is
26 pending before the Court.

27 WHEREAS the Settlement, if approved by the Court, will resolve this litigation and obviate
28 the need for Defendant to respond to the complaint.

1 WHEREAS pursuant to Local Rule 6-1, the parties may stipulate in writing, without a Court
 2 order, to extend the time within which to answer or otherwise respond to the complaint, provided
 3 that the change will not alter the date of any deadline already fixed by Court order and so long as the
 4 stipulation is filed pursuant to Local Rule 5.

5 WHEREAS other than the above-mentioned dates, the only other deadlines set in this case
 6 are in connection with the parties' Fed. R. Civ. P. 26 initial disclosures and the Initial Case
 7 Management Conference currently scheduled for December 16, 2011.

8 WHEREAS the parties assert that this request is not made for the purpose of delay.
 9 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

10 That Defendant is not required to file an answer or other pleading in response to the
 11 complaint pending the Court's ruling on preliminary and final approval of the Settlement. Should
 12 the Court fail to grant preliminary or final approval, Defendant's answer or other pleading in
 13 response to the complaint will be due forty-five (45) days after the Court's order memorializing that
 14 ruling, unless the parties agree to stipulate to a further extension.

15
 16 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

17
 18 DATED: October 27, 2011

Respectfully submitted,

19
 20 **KIRKLAND & ELLIS LLP**

21 By: /s/ Adam W. Holbrook
 22 Elizabeth L. Deeley
 23 Nickolas A. Kacprowski
 Adam W. Holbrook

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 25 San Francisco, CA 94104
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27 Attorneys for Defendant
 28 24 HOUR FITNESS USA, INC.

1 DATED: October 27, 2011

**WASSERMAN, COMDEN, CASSELMAN
& ESENSTEN, L.L.P.**

2 By: /s/ Melissa M. Harnett

3 Melissa M. Harnett
4 Robert L. Esensten
5 Gregory B. Scarlett

6 WASSERMAN, COMDEN, CASSELMAN
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13 Attorneys for Plaintiffs

14 ALBERT ALATORRE and on behalf of others
15 similarly situated

16 DATED: October 27, 2011

KELLER GROVER, LLP

17 By: /s/ Jeffrey F. Keller

18 Jeffrey F. Keller*
19 Kathleen R. Scanlan

20 KELLER GROVER, LLP

21 1965 Market Street, 3rd Floor

22 San Francisco, CA 94103

23 Telephone: (415) 543-1305

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25 Attorneys for Plaintiffs

26 ALBERT ALATORRE and on behalf of others
27 similarly situated

28 Dated: 10/31/11



29 * I, Adam W. Holbrook, am the ECF user whose ID and password are being used to file this Stipulation to Extend Time
30 to Answer, Move, or Otherwise Respond to Plaintiff's Complaint Pursuant to Local Rule 6-1. In compliance with
31 General Order 45, X.B., I hereby attest that the following attorneys have concurred in this filing: Melissa M. Harnett and
32 Jeffrey F. Keller, Counsel for Plaintiff Albert Alatorre and on behalf of others similarly situated.

CERTIFICATE OF SERVICE

The undersigned hereby certify that all counsel of record who have consented to electronic service are being served with a copy of the attached STIPULATION TO EXTEND TIME TO ANSWER, MOVE, OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT PURSUANT TO LOCAL RULE 6-1 via the CM/ECF system on October 27, 2011.

DATED: October 27, 2011

By: /s/ Adam W. Holbrook
Adam W. Holbrook